

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 20, 2009**

Court convened at 9:30 a.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Aronson, Acting P. J., Fybel, J. and Ikola, J. Toni Cajigal deputy clerk attending.

G040222 THE PEOPLE
 v.
 DEBORAH BEHRENS

Merits. Cause called. Melissa Hill argued for appellant. Kristine Gutierrez, Deputy Attorney General argued for respondent. Cause submitted.

G041563 THE PEOPLE
 v.
 LARRY SWAYZER

Merits. Cause called. Stephen S. Buckley argued for appellant. Arlene Sevidal, Deputy Attorney General argued for respondent. Cause submitted.

G040022 THE PEOPLE
 v.
 DAVID B. DORIEN

Merits. Cause called. Cindy G. Brines argued for appellant. Andrea Robinson certified law student argued for respondent and Marissa Bejarano designated as the supervising Deputy Attorney General. Cause submitted.

G040264 THE PEOPLE
 v.
 SYLVIA OCHOA

Merits. Cause called. Heather Beugen argued for appellant. Ryan Shera certified law student argued for respondent and Marissa Bejarano designated as the supervising Deputy Attorney General. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 20, 2009 (cont'd)**

G040320 THE PEOPLE
 v.
 DANIEL H. ALDANA et al.

Merits. Cause called. David J. Macher argued for appellant Daniel H. Aldana. Edward T. Dunn argued for appellant Donna M. Matney. Vincent La Pietra, Deputy Attorney General argued for respondent. Cause submitted.

G040060 THE PEOPLE
 v.
 WILLIAM J. CROCKETT

Merits. Cause called. Stephen M. Hinkle argued for appellant. Meredith Strong, Deputy Attorney General argued for respondent. Cause submitted.

G039649 THE PEOPLE
 &
G040003 v.
 BRUCE SENATOR

Merits. Cause called. Howard Cohen argued for appellant. Vincent La Pietra argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 20, 2009 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J. and O'Leary, J. Toni Cajigal deputy clerk attending.

G040803 ALEJANDRA RUIZ et al.
 v.
 ANATOL PODOLSKY

Merits. Cause called. Denise H. Greer argued for appellant. Cornelius P. Bahan argued for respondents. Cause submitted.

G040340 AMANDA JORDAN
 v.
 DONALD JORDAN

Merits. Cause called. Michael Leight argued for appellant. Diane J. Marlowe argued for respondent. Cause submitted.

G038731 PATRICIA HANSEN
 & v.
G039790 ST. JUDE MEDICAL CENTER et al.

Merits. Cause called. Barry A. Bisson argued for appellant. Christopher G. Ward argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 20, 2009 (cont'd)**

G040987 THE PEOPLE
 v.
 JOSEPH N. WHITE

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 21, 2009**

Court reconvened at 9:30 a.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P. J., Moore, J., Aronson, J. and Fybel, J. Toni Cajigal deputy clerk attending.

G040998 LQNN, INC.
 v.
 LANVESCO

Merits. Cause called. Bart Kasperowicz argued for appellant. No appearance by counsel for respondent. Cause submitted.

G040111 ESTER GARCIA
 v.
 KENNEDY EASTON, LLC

Merits. Cause called. William J. King argued for appellant. Nancy Brewster argued for respondent. Cause submitted.

G040079 CARMEL, LTD.
 v.
 MOHSEN TAVOUSSI et al.

Merits. Cause called. M. Candice Bryner argued for appellant. Thomas J. Stolp argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 21, 2009 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Bedsworth, J., Aronson, J., and Fybel, J. Toni Cajigal deputy clerk attending.

G039614 THE PEOPLE
 v.
 RAMIRO LOPEZ et al.

Merits. Cause called. Marylou Hillberg counsel for appellant Lopez did not appear to argue and submits on the brief. Rex A. Williams argued for appellant Garcia. Pamela Ratner-Sobeck, Deputy Attorney General argued for respondent. Cause submitted.

G040995 GILBERT STREET DEVELOPERS LLC et al.
 v.
 LA QUINTA HOMES

Merits. Cause called. Edward F. Quigley argued for appellants. M. Peter Crinella argued for respondent. Cause submitted.

G039684 MARIA MAGANA
 v.
 JORGE PUELMA et al.

Merits. Cause called. Michael J. Grobathy argued for appellant Jorge Puelma. Edward L. Smilow argued for appellant Charles Food Inc. Norman Pine argued for respondent. Cause submitted.

G036896 GRIFFIN DEWATERING CORPORATION
 v.
 NORTHERN INSURANCE COMPANY OF NEW YORK

Merits. Cause called. Curt Cutting argued for appellant. Daniel Smith argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 21, 2009 (cont'd)**

G038378 BARBARA FISLER
 & v.
G039720 RICHARD CURNUTTE

Order filed. Pursuant to rule 8.256(e)(1), C.R.C. submission of the above matter is vacated and cause resubmitted as of this date for the period allowed by law. The reason submission is vacated is to allow additional time for preparation of the court's opinion.

RYLAARSDAM, ACTING P. J.

We concur: O'LEARY, J.
 ARONSON, J.

G040018 THE PEOPLE Not for publication
 v.
 NAVUEN RITH

Opinion filed. The judgment is affirmed as modified.

ARONSON, J.

We concur: BEDSWORTH, ACTING P. J.
 O'LEARY, J.

G040038 EL CENTRO MALL, LLC Not for publication
 v.
 PAYLESS SHOESOURCE, INC.

Opinion filed. The judgment is affirmed.

ARONSON, J.

We concur: RYLAARSDAM, ACTING P. J.
 MOORE, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 21, 2009 (cont'd)**

G040078 THE PEOPLE
v.
MELVIAN T. DURAN

Order filed. Pursuant to C.R.C., rule 8.256(e)(1), submission of this matter is vacated in order to give the parties the opportunity to provide briefing on certain specific questions. The case will be resubmitted June 10, 2009, for the period allowed by law.

SILLS, P. J.

We concur: RYLAARSDAM, J.
IKOLA, J.

G040642 THE PEOPLE
v.
ROCK GJURASHAJ

Not for publication

Opinion filed. The order is affirmed as modified.

ARONSON, J.

We concur: BEDSWORTH, ACTING P. J.
IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 22, 2009**

Court reconvened at 9:30 a.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P. J., O'Leary, J., Aronson, J., and Ikola, J. Toni Cajigal deputy clerk attending.

G040349 PALACIO DEL MAR HOMEOWNERS
ASSOCIATION, INC.
v.
ARNOLD McMAHON

Merits. Cause called. No appearance by appellant Arnold McMahon in pro pria persona. Simon J. Freedman argued for respondent. Cause deferred for additional briefing.

G040606 MARY A. GREEN
v.
JANIS KINGAARD et al.

Merits. Cause called. Richard A. Higbie argued for appellant. John P. Glowacki argued for respondents. Cause submitted.

G040664 HARVEY W. KAMENS
v.
KAREN S. STRAUSMAN

Merits. Cause called. Jeffrey W. Doeringer argued for appellant. Brian G. Saylin argued for respondent. Cause submitted.

G039750 VITO ALLESANDRO et al.
v.
ROBERT TECAU et al.

Merits. Cause called. Mayo L. Makarczyk argued for appellants. Robert C. Risbrough argued for respondents. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 22, 2009 (cont'd)**

G040656 JINFENG ZHANG
 v.
 WEOFENG YAO

Merits. Cause called. Ashton A. Cooper, Jr. argued for appellant. Craig A. Darling argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 22, 2009 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., O'Leary, J., and Moore, J. Toni Cajigal deputy clerk attending.

G040099 THE PEOPLE
 v.
 MUSTAFA TARIN

Merits. Cause called. Wilson A. Schooley argued for appellant. Christine L. Bergman, Deputy Attorney General argued for respondent. Cause submitted.

G040337 THE PEOPLE
 v.
 RICHARD M. JOHNSTON

Merits. Cause called. Keith H. Rutman argued for appellant. Scott Taylor, Deputy Attorney General argued for respondent. Cause submitted.

G039379 THE PEOPLE
 v.
 JAMES M. DIEP

Merits. Cause called. Dennis P. O'Connell argued for appellant. Lynne McGinnis, Deputy Attorney General argued for respondent. Cause submitted.

G040265 THE PEOPLE
 v.
 JOSE L. LOPEZ

Merits. Cause called. Siri Shetty argued for appellant. Scott Taylor, Deputy Attorney General argued for respondent. Cause submitted.

G038739 THE PEOPLE
 v.
 PEDRO S. ROBLES

Merits. Cause called. Gregory Marshall argued for appellant. Quisteen Shum, Deputy Attorney General argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 22, 2009 (cont'd)**

G040206 THE PEOPLE
 v.
 MARIO GONZALEZ

Merits. Cause called. Abby B. Klein argued for appellant. Donald Ostertag, Deputy Attorney General argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 22, 2009 (cont'd)**

G038588 THE PEOPLE Not for publication
 v.
 DONNA K. HAITH

G040145 In re DONNA K. HAITH

Opinion filed. The judgment is affirmed. The petition is denied.

RYLAARSDAM, J.

We concur: SILLS, P. J.
 FYBEL, J.

G039632 THE PEOPLE
 v.
 LUIS A. ESTUDILLO

Order filed. The petition for rehearing is denied.

RYLAARSDAM, ACTING P. J.

We concur: MOORE, J.
 ARONSON, J.

G040232 THE PEOPLE Not for publication
 v.
 SANDRA KASIE

Opinion filed. The judgment is affirmed as modified.

BY THE COURT

Before SILLS, P. J., RYLAARSDAM, J. and MOORE, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 22, 2009 (cont'd)**

G040238 KATHLEEN STRONG Not for publication
 v.
 ALI BEYDOUN et al.

Opinion filed. The order is affirmed.

SILLS, P. J.

We concur: MOORE, J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 23, 2009**

Court reconvened at 9:30 a.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O’Leary, Acting P. J., Aronson, J. and Fybel, J. Toni Cajigal deputy clerk attending.

G037875 CHAU LAI
 v.
 VAN KIM LAI

Merits. Cause called. Appellant Van Kim Lai in pro pria persona did not appear for argument. Appellant appeared to submit a request to continue argument in the Clerk’s Office. John H. Mitchell for respondent appeared for argument. John H. Mitchell informed the panel that respondent opposes the request. Submission is deferred for the court to consider appellant’s request.

G040640 LAURA B. DIETZ
 v.
 PARK E. DIETZ

Merits. Cause called. Marjorie G. Fuller argued for appellant. Kathy J. McCormick argued for respondent. Cause submitted.

G040324 GAIL McMAHON
 v.
 DIANE CRAIG et al.

Merits. Cause called. Gail McMahon argued for appellant. Bruce Wagman argued for Animal Legal Defense Fund, amicus curiae in support of appellant. George M. Wallace argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 23, 2009 (cont'd)**

Court reconvened at 1:30 p.m., in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J., Bedsworth, J., Moore, J. and Ikola, J. Toni Cajigal deputy clerk attending.

G040495 ELIZABETH FLANIGAN
 v.
 TUDO INSURANCE COMPANY

Merits. Cause called. Daniel H. Mc Linden argued for appellant. James L. Wraith argued for respondent. Court deferred submission to allow additional briefing. Appellant's letter brief is due 4:00 p.m., April 30, 2009. Respondent's letter brief is due 4:00 p.m., May 7, 2009. The matter will be submitted May 7, 2009.

G039871 JOHN STEWART
 v.
 JOYCE & ASSOCIATES, INC.

Merits. Cause called. Laurie A.M. Stewart argued for appellant. Brandon C. Murphy argued for respondent. Cause submitted.

G040688 JAMES H. DENEAL
 v.
 RONNY SHAVER

Merits. Cause called. Appellant James H. Deneal argued in pro pria persona. Thomas R. Nigro argued for respondent. Cause submitted.

G040247 MUSTARD FRANCHISE CORPORATION
 v.
 Y.E.K., INC.

Merits. Cause called. David T. Sanford argued for appellant. James M. Mulcahy argued for respondent. Court deferred submission to allow additional briefing. The parties letter briefs are due 4:00 p.m., May 6, 2009. The matter will be submitted on May 6, 2009.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 23, 2009 (cont'd)**

G041674 S.W.
 v.
 SUPERIOR COURT; ORANGE COUNTY SOCIAL
 SERVICES AGENCY et al.

Merits. Cause called. Paul De Quattro argued for petitioner. Karen L. Christensen, Deputy County Counsel for real party in interest Orange County Social Services Agency. Yana N. Kennedy argued for real party in interest minor. Cause submitted.

G040973 MARK AGUILERA
 v.
 EL TORITO RESTAURANTS, INC.

Merits. Cause called. Russell C. Handy argued for appellant. Scott D. Wilson argued for respondent. Submission deferred to allow additional briefing. The parties are ordered to file letter briefs by 4:00 p.m., May 6, 2009. The matter will be submitted on May 6, 2009.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 23, 2009 (cont'd)**

G039056 THE PEOPLE
 v.
 LINDSEY R. AUSTIN

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G039505 NEGAR SAFAIE-FARD
 v.
 HOOSHANG F. MEHR

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G039715 MUOI THAI CHAU
 v.
 KATHLEEN CHAU

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040059 THE PEOPLE
 v.
 PAUL G. BROWN

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040063 THE PEOPLE
 v.
 JERRY E. REYNOLDS et al.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 23, 2009 (cont'd)**

G040118 THE PEOPLE
 v.
 RALPH ARREGUIN

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040258 THE PEOPLE
 v.
 EDGAR LONGORIA

Not for publication

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: O'LEARY, ACTING P. J.
 FYBEL, J.

G040311 THE PEOPLE
 v.
 ANGEL M. AVILA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040439 THE PEOPLE
 v.
 ANTHONY V. IBARRA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 23, 2009 (cont'd)**

G040510 THE PEOPLE
 v.
 ENRICO L. AMATO

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040622 THE PEOPLE
 v.
 J.M.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040654 THE PEOPLE
 v.
 RON L. SIMPSON

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040661 THE PEOPLE
 v.
 IAN R. TEDESCHI

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 23, 2009 (cont'd)**

G040679 DANIEL LOPEZ Certified for publication
v.
SUPERIOR COURT; THE PEOPLE

Opinion filed. The petition is denied.

IKOLA, J.

We concur: RYLAARSDAM, ACTING P. J.
FYBEL, J.

G040764 THE PEOPLE
v.
JON DOWNEY

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040860 THE PEOPLE
v.
MARK A. WILSON

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040929 NATURIST ACTION COMMITTEE
v.
DEPARTMENT OF PARKS AND
RECREATION et al.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 23, 2009 (cont'd)**

G041078 ROBERT BOISSEVAIN
 v.
 TRANSIT AIR CARGO, INC.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041317 ORANGE COUNTY SOCIAL
 SERVICES AGENCY et al.
 v.
 K.R.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041558 THE PEOPLE
 v.
 BRADELY B. MILLS

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041560 THE PEOPLE
 v.
 CARL L. MALLET

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 23, 2009 (cont'd)**

G041616 W.R.
 v.
 SUPERIOR COURT; ORANGE COUNTY
 SOCIAL SERVICES AGENCY et al.

Opinion filed. The petition is denied.

FYBEL, J.

We concur: O'LEARY, ACTING P. J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 24, 2009**

G039955 JAMES M. HARM et al.
 v.
 WAYNE T. HETMAN

Order filed. The above entitled case is ordered submitted this date.

SILLS, P. J.

G039975 THE PEOPLE
 v.
 JAVIER C. RUIZ

Order filed. The above entitled case is ordered submitted this date.

SILLS, P. J.

G040062 THE PEOPLE
 v.
 JOSHUA A. LOY

Not for publication

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: BEDSWORTH, ACTING P. J.
 ARONSON, J.

G040066 THEE AGUILA, INC. et al.
 v.
 STAVROS TSEHERIDIS

Not for publication

Opinion filed. The judgment is affirmed.

FYBEL, J.

We concur: MOORE, ACTING P. J.
 ARONSON, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 24, 2009 (cont'd)**

G040454 JAMES M. HARM et al.
 v.
 WAYNE T. HETMAN

Order filed. The above entitled case is ordered submitted this date.

SILLS, P. J.

G040529 THE PEOPLE
 v.
 JAMES L. VANDENBURG

Order filed. The above entitled case is ordered submitted this date.

SILLS, P. J.

G040536 MARGARET K. MAAS
 v.
 COASTAL ANIMAL SERVICES
 AUTHORITY et al.

Not for publication

Opinion filed. The judgment is affirmed.

O'LEARY, ACTING P. J.

We concur: MOORE, J.
 FYBEL, J.

G040634 THE PEOPLE
 v.
 MARTEL WILLIAMS

Order filed. The above entitled case is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
April 24, 2009 (cont'd)**

G041243 ORANGE COUNTY SOCIAL Not for publication
SERVICES AGENCY
v.
K.B.

Opinion filed. The postjudgment orders are affirmed.

IKOLA, J.

We concur: O'LEARY, ACTING P. J.
FYBEL, J.